

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3039 B STREET ASSOCIATES,	:	CIVIL ACTION
INC., et al.,	:	NO. 09-1079
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
LEXINGTON INSURANCE COMPANY,	:	
	:	
Defendant.	:	

O R D E R

AND NOW, this **27th** day of **August, 2010**, it is hereby **ORDERED**, that Plaintiffs' motion for reconsideration (doc. no. 68) will be **GRANTED in part** and **DENIED in part**. The motion for reconsideration will be **GRANTED** to the extent that the sentences in the Court's May 3, 2010 Memorandum (doc. no. 65), stating that Defendant advanced Plaintiffs \$50,000 on their insurance claim in 2008, will be deleted, and the Amended Memorandum will read as follows:

1. Paragraph 10 under § III(B)(1) will read: "On April 10, 2008, Cheney stated that he would forward Plaintiffs' advance payment request to Defendant and that Plaintiffs' statement of loss of \$681,173.81 was subject to investigation."

2. Section III(B)(1) will include a ¶ 18 that will read: "On July 7, 2009, upon completion of the investigation, Defendant sent Plaintiffs a payment for \$78,511.84, the amount of the undisputed loss."

3. Section III(B)(1)(c) will read: "During the investigatory process, the parties agree that no settlement discussions occurred inter se. As such, this factor is not applicable here."

IT IS FURTHER ORDERED that Plaintiffs' motion for reconsideration will be **DENIED** in all other respects.

AND IT IS SO ORDERED.

s/Eduardo C. Robreno
EDUARDO C. ROBRENO, J.